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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,980	07/29/2003	Jakob Blattner	390-011420-US(PAR)	7154
2512	7590	07/26/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			LOWE, MICHAEL S	
			ART UNIT	PAPER NUMBER

3652

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,980

Applicant(s)

BLATTNER ET AL.

Examiner

M. Scott Lowe

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 8, 10-12, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 13-18, 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/13/05, 8/18/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Applicant's election with traverse of figure 25, species G in the reply filed on 5/5/05 is acknowledged. The traversal is on the ground(s) that it was alleged that no reason for restriction was given. This is not found persuasive because it was clearly indicated that the reason for restriction was that there were patentably distinct species.

The requirement is still deemed proper and is therefore made FINAL.

Claims 8,10-12, and 19-20 (depend from claim 10) are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/5/05.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Switzerland on 7/29/02. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pellicle of claims 18,28 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7,9,13-18,21-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims in general are vague and unclear and seem to be trying to place method limitations into apparatus claims, which is improper. A few examples are:

Claim 1 recites the limitation "the at least one other functional unit" in lines 9-10. There is insufficient antecedent basis for this limitation in the claim.

In claim 1, it is unclear what is being referred to in line 3 by "which has" and line 10 by "is hereby". For sake of examination it is assumed applicant was referring to the reticle handling device. Further wording such as "by means of which" and "can be connected" is vague and leaves it unclear what is actually being positively claimed.

In claim 3, it is unclear what is being referred by "an input/output station" in line 3. Claim 1 already states in line 6 "an input/output station". For sake of examination it is assumed they are meant to be the same item. Wording such as "each time" seems to indicate a method step. Also it is unclear what "a basic grid size" entails.

In claims 5 & 6 the limitations "type(s) of function" are unclear because it is not clear what the "type" is and is being compared to.

In claim 9 language such as "selectable" is unclear since it not defined how and in what fashion the modules are "selectable". Furthermore it is not clear whether the limitation "different interchangeable modules" is being positively recited.

In claim 22, it is unclear whether is trying to claim an apparatus, a computer program or a method of controlling a device. For sake of examination it is assumed that that only a processor for the module is being claimed and the rest is merely intended use.

Applicant should review all the claims for similar issues.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7,9,13-17,24-26,28 are rejected under 35 U.S.C. 102(e) as being anticipated by Foulke (US 6,690,993).

Re claim 1, Foulke teaches a reticle manipulating device (10,120/115) with a substantially closed housing (12,etc.) for maintaining clean room conditions and several functional units (32a-d,18,14,16,70,28,121-124,etc.) connectable to the reticle manipulating device, a first functional unit being an input/output station (32a-d,128 or 118), a manipulating device (18,etc.) inside the housing.

Re claim 2, Foulke teaches an detachable interface with mechanical and electrical parts for the functional unit and reticle manipulating device connection (inherent from figures 1,6,7,15,16).

Re claim 3, Foulke teaches an input/output station (32a-d,128 or 118), in which several input/output units (32a-d,128,16 or 118) can be mounted in a detachable manner, wherein a height of at least several of the input/output units corresponds each time to a whole-number multiple of a basic grid size.

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Re claim 4, Foulke teaches a system with at least one second functional unit (32a-d,18,14,16,70,28,121-124,etc.) that is different and can be exchanged with the first functional unit.

Re claim 5, Foulke teaches functional units (32a-d,18,14,16,70,28,121-124,etc.) with different types of function.

Re claim 6, Foulke teaches several functional units (32a-d,18,14,16,70,28,121-124,etc.) with the same type of function.

Re claim 7, Foulke teaches a stocking unit functional device 16 for reticles 38.

Re claim 9, Foulke teaches a reticle manipulating device (10,120/115) with a substantially closed housing (12,etc.) for maintaining clean room conditions and several interchangeable functional units (32a-d,18,14,16,70,28,121-124,etc.) connectable to the reticle manipulating device, a first functional unit being an input/output station (32a-d,128 or 118), a manipulating device (18,etc.) inside the housing.

Re claim 13, Foulke teaches a cleaning module 98 that uses electromagnetic radiation based cleaning.

Re claim 14, Foulke teaches the housing is capable of holding an inert gas or pressurized gas atmosphere.

Re claim 15, Foulke teaches a contamination sensor 96.

Re claim 16, Foulke teaches a camera 77,79.

Re claim 17, Foulke teaches a reader 77.

Re claim 24, Foulke teaches a preconditioning module 98,28.

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Re claim 25, Foulke teaches a module 98,28 for gathering particles from a reticle.

Re claim 26, Foulke teaches a module 16,32a-d, for buffering reticles.

Re claim 28, Foulke teaches a module 16,18,32a-d, for mounting and demounting reticles.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foulke (US 6,690,993) in view of Somekh (US 6,900,35).

Re claim 18, Foulke does not teach a flatness sensor. Somekh teaches a reticle flatness sensor (columns 1-2) to increase production. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Foulk by Somke to have a reticle flatness sensor to increase production.

Claims 21-25,27,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foulke (US 6,690,993).

Re claim 21, Foulke does not limit the type of reticles and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have any type of reticle in order to make the system more useful.

Re claims 22-25,27,28, (although it is believed Foulke teaches all claimed controls and sensors of claims 24,25, and 28 as noted in the above rejections, the unclear wording of the claims requires that the claim language be read in different ways), Foulke teaches a computer control system with historical logs and various sensors 77-79,96-98 for keeping the system working properly (columns 7-8, figures 6,7,16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Foulke to use any type of useful controls in order to keep the system working properly.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6607. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



JAMES W. KEENAN
PRIMARY EXAMINER